

CITY OF TUCSON ♦ 2009 ELECTIONS

PRIMARY ELECTION
SEPTEMBER 1

GENERAL ELECTION
NOVEMBER 3

CANDIDATE INFORMATION PAMPHLET



PREPARED BY THE OFFICE OF THE CITY CLERK
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INTRODUCTION

Welcome to the 2009 City of Tucson Candidate Information Pamphlet. This pamphlet is an important first step in the election process and was prepared by the City Clerk's Office to provide candidates and committees with information regarding state and city election laws.

While every effort was made to provide a comprehensive overview of the election process for the City of Tucson, this pamphlet is not intended to provide legal advice or to eliminate the need for private legal counsel in answering specific election-related questions. For example, in the event a petition is challenged, it will be the candidate, and not the city, that is required to defend the legal sufficiency of the petition.

The City of Tucson appreciates your interest in the election process. Candidates and political committees should contact the City Clerk's Office with any questions regarding the information contained in this pamphlet. All candidates and political committees are urged to stay in contact with the City Clerk's Office to ensure they are following the most up-to-date regulations.



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This document is available in Spanish as well as alternative formats to accommodate special needs.

OVERVIEW

In 2009, the qualified electors of the City of Tucson will elect Council Members representing Ward 3, Ward 5, and Ward 6. Those elected will take office at 10 a.m. on Monday, December 7, 2009 and will serve for four years. Each Council Member receives a salary of \$2,000 per month.

PRIMARY ELECTION – Tuesday, September 1

Held to allow qualified political parties the opportunity to nominate and place on the General Election ballot candidates for the office of Council Member in Ward 3, Ward 5, and Ward 6. The Democratic, Republican, Libertarian and Green parties are qualified as of the printing of this document. Other political parties may participate in the Primary Election upon meeting qualifications for placement on the 2009 ballot.

Qualified electors who will be 18 years of age or older on September 1, 2009, who have registered to vote on or before August 3, 2009, with a qualified political party and who have resided in Ward 3, Ward 5 or Ward 6 since August 2, 2009, may vote for their party's candidate for Council Member in their council ward.

Qualified electors registered as Independent or No Party Preference or as a member of a political party other than Democratic, Republican, Libertarian or Green may vote in the Primary Election for one of these qualified parties.

GENERAL ELECTION – Tuesday, November 3

Held to elect Council Members in Ward 3, Ward 5, and Ward 6.

Qualified electors who have resided in the City of Tucson (regardless of City Ward) since October 4, 2009, who will be 18 years of age or older on November 3, 2009, who have registered to vote on or before October 5, 2009, (regardless of political party affiliation) may vote for all offices and on all issues.

CANDIDATE QUALIFICATIONS

A candidate for Council Member must have been a qualified elector and resident of the City of Tucson for not less than three (3) years immediately prior to becoming a candidate. Additionally, Council candidates must have resided in the ward for which nomination is sought at least one (1) year immediately prior to becoming a candidate, unless such residence has been shortened by the redistricting of the city as to wards. (Note: Time of residence in any area and being a qualified elector thereof will be counted toward residence and electoral qualifications within the city one (1) year after the area becomes annexed to the city.)

Nomination Procedures

Procedures regarding the nomination of candidates are set forth in the Nomination Procedures section in Chapter 1, white pages, of this pamphlet. Individuals who are members of the Democratic, Republican, Libertarian or Green parties may be nominated to participate in the Primary Election either by obtaining enough signatures of qualified City of Tucson electors to have their names printed on the official Primary Election ballot, or by becoming a Write-in candidate (see page 9). Candidates nominated in the Primary Election will be placed on the ballot for the General Election. In addition, individuals who are NOT members of the Democratic, Republican, Libertarian or Green parties may have their names placed on the General Election ballot either by obtaining the required number of signatures for Nomination Other Than by Primary (see page 10) or by becoming Write-in candidates.

State Campaign Financing Laws

All candidates must comply with state laws regarding campaign financing (see the State Campaign Financing Laws contained in Chapter 2, pink pages) as well as Chapter XVI, Subchapter A of the Tucson Charter. State laws pertain to the organization of exploratory, campaign and political committees (see pages 18, 19), mandatory limits on campaign contributions (see pages 23, 24), campaign finance reporting (see page 35, 36), identification of campaign literature and advertisements (see page 31-33), and other campaign related matters. Provisions regarding “exploratory committees” deal with committees formed to determine whether an individual will become a candidate. Candidates who intend to receive contributions or make expenditures of more than \$500 must file a statement of organization before accepting any contributions, making any expenditures or circulating any petitions. This also applies to an individual who designates an exploratory committee.

City Campaign Financing Laws

The requirements for candidates who want to receive public matching funds from the City of Tucson are set forth in the City Campaign Financing Laws section Chapter 3, yellow pages, of this pamphlet. Candidates must sign a Campaign Contract within thirty (30) days after becoming a candidate or filing for office, whichever is earlier (see page 42). In addition to the state laws mentioned above, candidates who enter into Campaign Contracts must comply with local campaign finance laws and procedures (see pages 42-54).

***NOMINATION
PROCEDURES***

NOMINATION PROCEDURES

Presently there are four (4) political parties (Democratic, Republican, Libertarian and Green) eligible to participate in the 2009 City of Tucson Primary Election. A qualified candidate may seek nomination by one of these political parties through the nomination petition process or as a Write-in candidate in the Primary Election.

METHODS OF NOMINATION

1. Name Printed on Primary Election Ballot

File: May 4 through 5 p.m. June 3, 2009

File all of the following with the City Clerk between 90 and 120 days prior to the election:

- Nomination Petitions (the City Clerk will not accept partial filings, late filings, or supplements to petitions already filed);
- A combined form which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement;
- Financial Disclosure Statement; and
- Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed).

Signature Requirements

The number of valid signatures on the petition must be equal to at least five percent (5%), but not more than ten percent (10%) of the votes cast by the party for Mayor in the ward in the 2007 General Election.

	DEMOCRATIC PARTY		REPUBLICAN PARTY		LIBERTARIAN PARTY		GREEN PARTY	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
WARD 3	219	437	106	210	4	6	5	9
WARD 5	178	354	52	102	2	3	2	2
WARD 6	353	705	161	321	5	8	7	12

- Successful candidates in the Primary Election will have their names placed on the General Election ballot.

2. Write-in Candidates for Primary Election

Filing deadline for Primary Election: 5 p.m. July 23, 2009

An individual who is a member of a qualified party can become a write-in candidate in the Primary Election unless the individual filed a nomination petition for the September 1 Primary Election and failed to provide a sufficient number of valid petition signatures.

File the following with the City Clerk not less than forty (40) days prior to the Primary Election:

- A combined form which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement, and
- A Financial Disclosure Statement, and
- A Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed).

Note: Pursuant to State Law a write-in candidate in the Primary Election must get the number of votes equal to the minimum number of signatures required on nomination petitions for the same office.

3. Nomination Other Than by Primary for Placement on General Election Ballot

File: May 4 through 5 p.m. June 3, 2009

A candidate who is not a member of a qualified political party may seek election through this method. This process shall *not* be used to place on the general election ballot **the name of**:

- A political party that fails to meet the qualifications specified for new political parties; or
- Any candidate representing such party; or
- An individual who filed a nomination petition as a candidate in the Primary Election, but failed to qualify as the result of an insufficient number of valid signatures.

Signature Requirements

The number of valid signatures on the “Nomination Other Than by Primary” petition must be equal to at least three percent (3%) of the total number of registered voters who are **not** members of a qualified political party. For Council Member candidates, the total is calculated using the total number of registered voters in the ward for which the candidate is seeking office. According to State law, the number of valid signatures required on Nomination Other Than by Primary petitions will be based on the voter registration figures for the City of Tucson as of March 1, 2009. The City Clerk will provide signature requirements after this date.

4. Write-in Candidates for General Election

Filing deadline for General Election: 5 p.m. September 24, 2009

An individual can become a write-in candidate for the General Election unless:

- The individual was defeated in the Primary Election; or
- The individual filed nomination petitions for the Primary Election but did not collect a sufficient number of valid petition signatures; or
- The individual filed a nomination petition for Nomination Other Than by Primary but did not collect a sufficient number of valid petition signatures.

File the following with the City Clerk not less than forty (40) days prior to the General Election:

- A combined form which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement, and
- A Financial Disclosure Statement, and
- A Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed).

CIRCULATING NOMINATION PETITIONS

Petition forms are available from the City Clerk. For candidates who prefer to create their own petitions, the requirements that such petitions must meet are set forth in A.R.S. §§16-314, 16-315, and 16-321 (for Nomination by Primary), and in A.R.S. §16-341 (for Nomination Other Than by Primary).

PETITION CIRCULATORS:

- Each circulator must complete and sign the “Instructions for Circulator” on the back of each signature sheet.

PETITION SIGNERS:

- Qualified electors entitled to sign nomination petitions are those who are qualified to vote for the candidate whose nomination petition they are signing.
- An individual may sign only one petition for the same office. If an individual signs more than one nomination petition, the earliest signature will be valid, as determined by the date shown on the petition. If all the signatures are dated the same day, all the signatures are invalid.
- All signers must be at least eighteen (18) years old on the date of signing the petition.

SIGNATURE WITHDRAWAL

A signature may be withdrawn by the person who signed a nomination petition not later than 5:00 p.m. on the date the petition is filed with the City Clerk.

PENALTY FOR PETITION FORGERY

All petitions that have been submitted by a candidate who is found guilty of petition forgery must be disqualified, and the candidate is not eligible to seek election to a public office for at least five (5) years.

PRACTICAL TIPS

NOMINATION PETITIONS AND PAPERS

The following is not intended to be a comprehensive listing of all requirements nor will compliance with these requirements or acceptance of petitions by the City Clerk preclude a challenge of the nomination petitions and papers. In the event of any such challenge, it will be the candidate and not the city who will be required to defend the legal sufficiency of the nomination petitions and papers.

- Pay attention to the date column of the petition. Be sure it includes the month, day and year. Incomplete or incorrect dates may result in the disqualification of the signature.
- Watch for signers who accidentally put phone numbers, zip code, date of birth, etc. in the date column.
- Remember that the City Clerk will accept ditto marks and other repeating marks in the address and date columns; just be sure the line being repeated is correct.
- Keep in mind that the City Clerk will not accept signatures found in the margins.
- Ensure the Affidavit of Circulator page is completed correctly prior to filing nomination papers. Errors may result in the entire page of petition signatures being disqualified.
- Be sure addresses are complete.
- Avoid making corrections to the heading after the petition is circulated. Any discrepancies in this area could result in the candidate losing an entire page of petition signatures.
- Review each page of the petition as well as all other nomination papers prior to filing.
- Be sure to bring the following papers to the City Clerk's office when filing. (The City Clerk will not accept partial filings of nomination petitions and nomination papers.)
 - A combined form which includes the Nomination Paper, Affidavit of Qualification and Campaign Finance Laws Statement
 - Nomination Petitions
 - Financial Disclosure Statement
 - Statement of Organization (if applicable)

WHAT TO EXPECT WHEN FILING NOMINATION PETITIONS AND PAPERS

- The City Clerk will process nomination petitions and papers in the order in which they are received.
- Candidates should plan to spend 20-30 minutes in the City Clerk's office. On the day of the filing deadline, there may be a longer wait, depending on the number of candidates filing at the same time.
- The City Clerk cannot accept partial filings of nomination papers (i.e., nomination petitions will not be accepted without the Nomination Paper, Financial Disclosure Statement and Statement of Organization, if applicable). The City Clerk will not accept supplements to nomination petitions previously filed.
- After the City Clerk completes the review and determines the number of signatures on the nomination petitions, the candidate will receive a receipt.
- All documents are filed in the Public Records' section of the City Clerk's office. Copies are available for twenty five cents per image.

CHALLENGING NOMINATION PETITIONS

In the event any challenge is filed, it will be the person who submitted the petition, and not the City, that will be required to defend the legal sufficiency of the petition. It is the duty of the courts and not the City Clerk to determine the legal sufficiency of nomination petitions. The City Clerk need only determine that the nomination petitions are substantially in regular form and contain the requisite number of signatures. The City Clerk has neither the right nor the duty to determine whether signers of the nominating petitions are qualified electors.

APPEALS OF VALIDITY OF NOMINATION PETITIONS

An elector may file a court action challenging a nomination petition no later than 5 p.m., June 15. Any such action must be heard by the Superior Court within ten (10) days after the filing. The Superior Court decision is only appealable if notice of appeal is filed within five (5) days with the Supreme Court. All challengers are required to specify in the action the petition number, line number and basis for dispute for each signature in question. The City Clerk is statutorily named as a party to the action and automatically receives "service of process" in any action challenging a nomination petition. The City Clerk is the designated agent for the person filing a nomination petition and, therefore, must immediately notify the person of the action.

A candidate may also be challenged on grounds relating to the qualifications for office.

LIST OF CANDIDATE NOMINATION FORMS

1. *COMBINED FORM* (includes the following): *A.R.S. § 16-311 and § 16-341*

NOMINATION PAPER

A candidate must file a nomination paper at the time of filing for office. It must state the candidate's actual residence address, mailing address and political party. It also must include the office and ward for which the candidate is seeking nomination, the exact manner in which his or her name is to be printed on the official ballot, and the date of the election.

The candidate's name as it appears on the official ballot is limited to his or her surname and given name or names. Abbreviated versions of names, appropriate initials or nicknames are permissible and may be printed in quotation marks, but must not suggest reference to professional, fraternal, religious or military titles. The candidate's surname is printed first.

AFFIDAVIT OF QUALIFICATION* *A.R.S. § 16-311; Tucson Charter Ch. XVI

The affidavit includes facts sufficient to show that the candidate meets the qualification requirements set forth in the Tucson Charter. (See page 5 for candidate qualifications.)

CAMPAIGN FINANCE LAWS STATEMENT* *A.R.S. § 16-905

This is a statement that the candidate has read all applicable laws relating to campaign financing and reporting.

2. *FINANCIAL DISCLOSURE STATEMENT* *Tucson Code § 12-42*

The financial disclosure is the candidate's statement covering the preceding 12-month period and is on a form prescribed by the City Clerk at the time of filing for office.

3. *NOMINATION PETITIONS* *A.R.S. §§ 16-314, 16-315, 16-321 and § 16-341*

Forms of petitions for both Nomination by Primary and Nomination Other Than by Primary are available from the City Clerk in English and Spanish. For candidates who prefer to create their own petitions, the requirements are set forth in A.R.S. §§ 16-314, 16-315, and 16-321 (for Nomination by Primary), and in A.R.S. § 16-341 (for Nomination Other Than by Primary). A photograph of the candidate may appear on the petition.

4. *POLITICAL COMMITTEE STATEMENT OF ORGANIZATION or* *\$500 THRESHOLD EXEMPTION STATEMENT* *A.R.S. § 16-902.01 and § 16-903*

A candidate must file a Statement of Organization with the City Clerk **before** making any expenditure, accepting any contributions, distributing any campaign literature or circulating petitions. Each individual or political committee intending to receive contributions or make expenditures of \$500 or less must file a signed Exemption Statement which states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions.

NEW PARTY REPRESENTATION

Presently, the Democratic, Republican, Libertarian and Green parties are eligible for representation on the City's primary and general election ballots. Other parties may gain recognition by submitting to the City Clerk a petition signed by a number of qualified electors of not less than two (2%) percent of the votes cast for Mayor at the last preceding Mayoral election.

The petition must be submitted to the City Clerk for signature verification no later than 180 days prior to the primary election (by 5:00 p.m., March 5, 2009).

A party that has gained recognition is eligible to have candidates included on the September and November 2009 ballots.

- The signatures must be those of qualified city electors in not less than one-fourth (1/4) of the election precincts of the city.
 - **Total Signatures Required: *1,280 qualified electors of the City of Tucson***
 - **Minimum Number of Precincts Represented as of September 2008: (62)**
- The petition must be accompanied by an affidavit of ten (10) qualified electors of the City of Tucson asking that the signers of the petition be recognized as a new political party.
- Circulators of the petition must be qualified to register to vote in the State of Arizona.

Acceptance of New Party petitions by the City Clerk does not preclude any qualified elector of the City from challenging the petitions. In the event of any such challenge, it will be the person and/or group who submitted the petition, and not the city, which will be required to defend the legal sufficiency of the petitions.

Continued Representation

A political party that has previously submitted a valid New Party petition to the City of Tucson is entitled to have candidates on the City's 2009 primary and general election ballots if, one hundred and fifty-five (155) days (March 30, 2009) immediately preceding the 2009 Primary election, the party has registered voters equal to at least two-thirds of one percent (2/3 of 1%) of the total registered voters of the City. The City Clerk will determine which parties have qualified for the 2009 elections on April 14, 2009.

NEW PARTY CANDIDATES

Candidates representing a new party are subject to the same qualifications and filing requirements as those established for other candidates. In Primary Elections, the signature requirements for new party nominees is at least one-tenth of one percent (1/10 of 1%) of the total vote for the winning candidate for presidential elector on November 4, 2008 within the Ward. Signatures must be obtained from qualified electors who are eligible to vote for the candidate whose nomination petition they are signing. Signature requirements will be available from the City Clerk following the November 4, 2008 election.

CITY OF TUCSON
OFFICE OF THE CITY CLERK
PRECINCTS BY WARD

<u>WARD 1</u>	<u>WARD 2</u>	<u>WARD 3</u>	<u>WARD 4</u>	<u>WARD 5</u>	<u>WARD 6</u>
016	009	032*	011*	046	044
017	089	033*	113	048*	045
018	090	034	114	049	062
019	099*	035	120	050	063
020	106*	036	121	053	073
022	115	038	122	054*	074
025	116	040	123	064	075
026	118	042	124	065	076
027	119	043	132	066*	077
028	126*	055*	133	082	078
037	127	056*	176	084	079
051	128	057	177	085*	080
052	129	058	182	086	081
143**	130	059	184	087*	083
144*	131	060	195	098	091
145	170*	061	196	105	092
146	173*	067	197	159	093
147*	174	068	221*	160	094
153	175	069	249	161	095
155*	178*	070	252	248	096
157	180	071	253	256*	097
158	181	072	254	272*	100
185*	183	152	255*	295*	101
186*	190*	154	273	296*	102
225*	191	156	274*	322	103
270*	192	164	318	323	107
289*	193	167	335	339*	108
290	194	168	337	349	109
293*	198	169	338	375*	110
294	216*	172	353	376*	111
317*	217	210*	362	398*	112
319	218	212	368		117
343	242*	230*	374*		143**
350	243*	259	377		166
380	246	286	388*		189
401	247	287	389*		213
	250	288	390*		231
	251	298	391		232
	299	315*	394		244
	303	316*	400		245
	304	330*	408		320
	305	356	409*		332
	331*	399			333
	334				348
	336*				
	351*				
	355*				
	366*				
	382				
36	49	43	42	31	44

TOTAL PRECINCTS: 245

* Split precinct, boundary extends beyond City limits.

** Split precinct between wards.

Revised 7/25/06

***CAMPAIGN FINANCING
STATE OF ARIZONA LAWS***

STATE CAMPAIGN FINANCE LAWS

Every candidate and every political committee participating in a City of Tucson election shall file a Statement of Organization or a \$500 Threshold Exemption statement with the City Clerk before making expenditures, accepting contributions, distributing campaign literature or circulating petitions.

ORGANIZATION OF POLITICAL COMMITTEES

Each political committee must have a chairperson and a treasurer. The position of chairperson and treasurer of a single political committee may not be held by the same individual, except that a candidate may be chairperson and treasurer of the candidate's own campaign committee.

1. The name of each political committee shall include the name of any sponsoring organization.
2. In the case of a candidate's campaign committee, the committee's name shall include the name of the candidate who designated the committee. In the case of an exploratory committee, the committee's name shall include the name of the individual who designated the committee.
3. Before a political committee accepts a contribution or makes an expenditure it must designate at least one financial institution as a depository for funds. The financial institution must be a state bank, or a depository institution that is federally chartered or whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. The name of the financial institution must be included on the Statement of Organization. If the information is not available at the time of the filing of the initial Statement of Organization, the committee must include the information in an amended Statement of Organization. The amended Statement designating the financial institution must be filed with the City Clerk within five (5) working days after opening the account.

CANDIDATE \$500 THRESHOLD EXEMPTION STATEMENT

A candidate who intends to receive contributions or make expenditures of \$500 or less or, must file a \$500 Threshold Exemption Statement with the City Clerk.

If a candidate or political committee has filed a \$500 Exemption Statement and receives contributions or makes expenditures of more than \$500, that candidate or political committee must file a Statement of Organization with the City Clerk within five (5) business days after exceeding the \$500 limit.

DESIGNATION OF A CANDIDATE'S CAMPAIGN COMMITTEE

A candidate who intends to receive contributions or make expenditures of more than \$500 in connection with a campaign for office must designate in writing a political committee for each election to serve as the candidate's campaign committee.

- The candidate must file a Statement of Organization with the City Clerk prior to making any expenditure, accepting any contributions, or distributing any campaign literature or circulating any petitions.
- The name of the candidate's campaign committee must include the name of the candidate.
- A political committee that supports or has supported another candidate or more than one candidate may not be designated as a candidate's campaign committee.
- A candidate may have more than one campaign committee simultaneously in existence; however, a candidate may have only one campaign committee designated for each election.

DESIGNATION OF AN EXPLORATORY COMMITTEE

An individual who intends to receive contributions or make expenditures of more than \$500 for the purpose of determining whether the individual will become a candidate must designate in writing a political committee to serve as the individual's exploratory committee.

- The individual must designate the committee before making any expenditures, accepting any contributions, or distributing any campaign literature.
- The name of the exploratory committee must include the name of the individual who designated the committee.
- Once an individual becomes a candidate, the exploratory committee designated by the candidate can transfer funds to the candidate's campaign committee subject to the limits specified in A.R.S. §16-905. As of the printing of this pamphlet, that amount is \$1,010.

FILING A STATEMENT OF ORGANIZATION

1. Every political committee participating in a City of Tucson election must file a Statement of Organization with the City Clerk, even if the committee has filed one with another jurisdiction.
 - (a) Each candidate who intends to receive contributions or make expenditures of more than five hundred dollars (\$500) in connection with a campaign for office shall designate in writing a political committee for each election to serve as the candidate's campaign committee. The candidate shall make the designation pursuant to this subsection by filing a statement of organization before making any expenditures, accepting any contributions, distributing any campaign literature or circulating any petitions. Each candidate who intends to receive contributions or make expenditures of five hundred dollars or less shall file a signed exemption statement that states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions. If a candidate who has filed a five hundred dollar (\$500) exemption statement receives contributions or makes expenditures of more than five hundred dollars (\$500), that candidate shall file a statement of organization with the filing officer within five (5) business days after exceeding the five hundred (\$500) dollar limit.
 - (b) A standing political committee shall file a statement of organization with the Secretary of State and in each jurisdiction in which the committee is active, and only the Secretary of State shall issue an identification number for the committee. The statement of organization shall include a statement with the notarized signature of the chairman or treasurer of the standing political committee that declares the committee's status as a standing political committee. The Secretary of State may charge an annual fee for the filing.
2. A political committee that files a statement of organization in this state as prescribed by section 16-902.01, that is registered in another state or pursuant to federal law and that intends to use in this state monies raised before filing its statement of organization shall also file complete copies of its previous campaign finance or other similar reports filed in those other jurisdictions that cover all contributions or receipts for the preceding two years.
3. The City Clerk will issue identification numbers to all political committees, except standing political committees.
4. A standing political committee may not act as a candidate's campaign committee or a sponsoring organization for any candidate, initiative, referendum, or recall.

CONTENTS OF STATEMENT OF ORGANIZATION

The Statement of Organization must include all of the following:

- Name, address and type of committee;
- Name, address, relationship and type of any sponsoring organization;
- The names, addresses, telephone numbers, occupations and employers of the chairperson and treasurer of the committee;
- In the case of a candidate's campaign committee, the name, address, office sought and party affiliation of the candidate;
- The name and address of all banks, safety deposit boxes or other depositories used by the committee. The committee does not have to provide account or box numbers.

AMENDMENTS TO STATEMENT OF ORGANIZATION

A political committee must file an amended Statement of Organization within five (5) business days after any change in the required information.

DUTIES OF THE TREASURER

The duties of the treasurer of a political committee are set forth in A.R.S. § 16-904. Some of the key duties include the following:

- Authorize (or have a designated agent authorize) any expenditure for or on behalf of the political committee, and any petty cash disbursement.
- Deposit all receipts received by the political committee in a designated account.
- Segregate all monies of the political committee from, and not commingle them with, the monies of any individual.
- Make (or have a designated agent make) "best efforts" to obtain any missing information for contributions received that are required to be itemized on a campaign finance report. See page 25 for information on how to comply with "best efforts" statute.
- Report on an amended report any information required for the identification of a contributor that is received by the political committee after the contribution has been disclosed on a campaign finance report.
- Be the custodian of the political committee's books and accounts, keeping an account of all contributions or other monies received, identification of contributors, all expenditures, and all periodic or other statements for each designated account of the political committee.

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- Preserve all records and copies of all finance reports required to be filed for three (3) years after the filing of the finance report covering the receipts and disbursements evidenced by the records. Candidates who sign campaign contracts must preserve all financial records, including but not limited to invoices, receipts, canceled checks and other supporting documentation for all contributions received, including those not eligible for receipt of public matching funds, and all expenditures made must be retained for three (3) years following the last day of the campaign period.
 - On request of the Attorney General, County Attorney, City Attorney, or City Clerk, provide any of the records the treasurer is required to keep.

A person who violates any requirement set forth in A.R.S. § 16-904 is subject to a civil penalty imposed as prescribed in A.R.S. § 16-924 of three (3) times the amount of money that has been received, expended or promised or three (3) times the value in money for an equivalent of money or other things of value that has been received, expended or promised. Treasurers have personal liability in any case in which a violation occurs.

MANDATORY CONTRIBUTION LIMITATIONS FOR ALL CANDIDATES

There are mandatory state campaign contribution limitations that apply to all candidates. State contribution amounts are adjusted biennially by the Secretary of State pursuant to A.R.S. § 16-905(J). The most recent adjustment was February 3, 2009. Candidates must comply with provisions included in the State Campaign Finance Laws section of this pamphlet. All potential candidates, exploratory committees, political committees and others participating in the City of Tucson 2009 elections should review these laws. Copies are available at the City Clerk's office

Limitations on contributions from individuals and political committees:

\$ 410	Maximum contribution from an individual.
\$ 410	Maximum contribution from most political committees.
\$2,080	Maximum contribution from a "qualified" political committee

- A "qualified" political committee is one which has received funds from 500 or more individuals in amounts of \$10 or more in the one (1) year period immediately before application to the Secretary of State for certification as a qualified committee.
- An individual's exploratory committee or a candidate's campaign committee cannot make a loan, transfer, or contribute to any other exploratory or campaign committee except as specified in A.R.S. § 16-905(H).
- An exploratory committee may transfer monies to a subsequent candidate's campaign committee of the individual designating the exploratory committee subject to the limits of A.R.S. § 16-905.
- A campaign committee may transfer or contribute monies to another campaign committee designated by the same candidate.

Limitations on aggregate amounts receivable by a candidate:

- | | |
|----------|---|
| \$10,440 | Maximum contributions in total from <u>all</u> political committees throughout the entire Primary and General Election campaign period. |
| \$5,850 | Maximum contribution an individual may make during a calendar year to all state or local candidates, all political committees contributing to state or local candidates, and all political committees advocating the election or defeat of state or local candidates. (Contributions to political parties are not subject to this limitation.). |

CONTRIBUTION RESTRICTIONS

Candidates and political committees should refer to state and local provisions for complete statutory information regarding limitations. Following are several examples:

- An individual or political committee may not use economic influence to induce members of an organization to make contributions to a candidate, collect contributions from members of an organization for transmittal to a candidate, make payments to candidates for public appearances or services which are ordinarily uncompensated, or use any similar device to circumvent any of the limitations of A.R.S. § 16-905(K) (6).
- Any person who makes a contribution in the name of another person or who knowingly permits their name to be used to effect such a contribution and any person who knowingly accepts a contribution made by one person in the name of another person is guilty of a class 6 felony.
- It is unlawful for a corporation or a limited liability company to make a contribution of any type to a candidate or the designating individual who formed an exploratory committee.
- It is also unlawful for a candidate or designating individual to accept a contribution from a corporation or a limited liability company.
- The information concerning unlawful corporate or limited liability company contributions does not apply to political committees that are incorporated pursuant to Title 10, Chapters 24 through 40 and political committees that are organized as limited liability companies.
- Corporations and labor organizations may make contributions to candidates as long as they come from voluntary contributions to a separate segregated fund to be utilized for political purposes.
- If an anonymous contribution is accepted because it is received in a non-returnable form, it should be placed in a separate account and not be spent on the candidate's campaign.
- A contribution by an individual or a political committee to two or more candidates in connection with a joint fund-raising effort shall be divided among the candidates in direct proportion to each candidate campaign committee's share of the expenses for the fund-raising effort.
- A standing political committee shall not act as a campaign committee or a sponsoring organization for any candidate, initiative, referendum or recall but may contribute to other political committees as provided by law.
- See separate publications for guidelines concerning the political activities of City employees and Independent Expenditure Committees.

INCOMPLETE CONTRIBUTIONS – BEST EFFORTS

A political committee shall exercise its best efforts to obtain the required information for any incomplete contribution received that is required to be itemized on a campaign finance report.(A.R.S. 16-904(D) and 16-915(A)(3))

An incomplete contribution is one in which the contributor did not provide all of the information required by State law: their mailing address, occupation and employer of each individual contributor and the mailing address and identification number of each political committee contributor. For candidates who sign campaign contracts the required information includes the contributor's home address and a daytime phone number.

The committee **is required by law** to exercise its best efforts to obtain the missing information. To be considered a best effort the treasurer or their agent must make at least one effort after the receipt of the contribution to obtain the missing information. They can do this by making a written request and sending it to the contributor or by oral contact with the contributor documented in writing. The committee must comply with the following:

1. The request must clearly ask for the missing information and inform the contributor that the committee is required by law to obtain the mailing address, occupation and employer of each individual contributor and the mailing address and identification number of each political committee contributor.
2. Any information required for the identification of a contributor received by the political committee after the contribution has been disclosed on a campaign finance report required pursuant to section 16-913 shall be reported on an amended report.

Candidates who sign campaign contracts:

Best efforts must be documented in writing. A copy of the letter or written notes of telephone contact must be filed with the campaign finance report in which the contribution is listed. The best efforts documents are required for the audit process. Incomplete contributions will not be matched with public funds unless the best efforts documentation is filed with the campaign finance report.

COMMITTEE TERMINATION STATEMENT

A political committee may terminate only when the chairperson and treasurer file a Termination Statement with the City Clerk. The committee must certify under penalty of perjury that it will no longer receive any contributions or make any disbursements, that the committee has no outstanding debts or obligations, and that any surplus monies have been disposed of pursuant to A.R.S. § 16-915.01.

The committee must also file a Campaign Finance Report stating the manner of disposition of the surplus, the name and address of each recipient of surplus monies, and date and amount of each disposition of surplus monies.

After the filing of the above reports, no subsequent reports are necessary, and no further receipts or disbursements may occur without filing a new Statement of Organization.

DISPOSITION OF SURPLUS FUNDS

The use of funds is governed primarily by A.R.S. §16-905(H) and §16-915.01. A political committee can dispose of surplus monies only as follows:

- Keep surplus monies for use in a subsequent political election. This includes a transfer by an individual's exploratory committee or a candidate's campaign committee to that individual's subsequent exploratory committee or that candidate's campaign committee designated for a subsequent election.
- Return surplus monies to the contributor to the extent records are available permitting such return.
- Donate the surplus monies to the City of Tucson Election Campaign Account (to be used in the future as public matching funds), or to the county, state or local committee of a political party. Political committees may be eligible to make additional contributions consistent with appropriate federal, state and local laws.
- Donate surplus monies to a charitable organization that qualifies under Section 501(c)(3) of the United States Internal Revenue Code.
- In the case of a political committee other than an individual's exploratory committee or a candidate's committee, contribute surplus monies to a candidate's campaign committee if the contribution is within the limitations of A.R.S. § 16-905.
- Donate surplus monies to a political committee other than an individual's exploratory committee or a candidate's campaign committee.
- Dispose of the surplus monies in any other lawful manner. Surplus monies cannot be used for or converted to the personal use of the designating individual, in the case of an individual's exploratory committee or a candidate, in the case of a candidate's campaign committee, or any person related to the candidate by blood or marriage. This does not preclude the repayment of a loan made by the designating individual or candidate to their own campaign.

INDEPENDENT EXPENDITURES

On May 15, 2007 the Mayor and Council adopted Ordinance 10401 relating to reporting of Independent Expenditures. These requirements are intended to supplement, and not supersede or conflict with, any state law regarding the reporting of independent expenditures in City election. These requirements apply to both individuals and political committees.

Tucson Code Chapter 12, Article VIII Reporting of Independent Expenditures

Sec. 12-110. Supplemental reporting of independent expenditures in City elections.

(a) Statement of purposes. This section's purposes are to:

1. Allow- voters access to information about who supports or opposes candidates financially;
2. Allow the Campaign Finance Administrator to more effectively distinguish independent expenditures from expenditures made by candidates or candidates' campaign committees; and
3. Deter corruption and the appearance of corruption.

This section is intended to supplement, and not supersede or conflict with, any state law regarding the reporting of independent expenditures in City elections.

- (b) Original report. Any person who makes independent expenditures related to a particular City office cumulatively exceeding five hundred dollars during a campaign period, with the exception of any expenditure listed in A.R.S. section 16-920 and any independent expenditure by an organization arising from a communication directly to the organization's members, shareholders, employees, affiliated persons, and subscribers, shall file reports with the Campaign Finance Administrator in accordance with subsection (e) so indicating, identifying the office and the candidate or group of candidates whose election or defeat is being advocated, and stating whether the person is advocating election or advocating defeat.
- (c) Supplemental report. Any person who has previously reached the dollar amount specified in subsection (b) for filing an original report shall file a supplemental report in accordance with subsections (b) and (e) each time previously unreported independent expenditures specified by subsection (b) exceed one thousand dollars.
- (d) Exception for independent expenditures previously reported. Subsections (b) and (c) shall not apply to any independent expenditure already reported by the person making the independent expenditure pursuant to the requirements of A.R.S. sections 16-913 and 16-915, and the amount of that already reported independent expenditure shall not be used in calculating the trigger amounts for original and supplemental reports set forth in subsections (b) and (c).

-
- (e) Time of filing. Any person who must file an original report pursuant to subsection (b), or who must file a supplemental report for previously unreported amounts pursuant to subsection (c), shall file as follows:
1. Beginning January 1 of any election year and until nine calendar weeks prior to the primary election date, the person shall file a report on the first business day of each month, unless the person has not reached the dollar amount for filing an original or supplemental report on that date.
 2. Beginning nine calendar weeks prior to the primary election date, except as stated in paragraph 3 of this subsection; the person shall file a report on any Tuesday by which the person has reached the dollar amount for filing an original or supplemental report.
 3. During the last fourteen calendar days before the primary election date and the last fourteen calendar days before the general election date, the person shall file a report within one business day of reaching the dollar amount for filing an original or supplemental report.
- (f) Contents of report. Any report by a political committee under this section shall, in addition to providing all other required information, identify any persons who have contributed \$500 or more to the committee.
- (g) Penalty for failure to file required report. Any person who fails to file a report, or provide information, required by this section shall be subject to a civil penalty of one hundred dollars per day, provided that no penalty imposed pursuant to this subsection shall exceed twice the amount of independent expenditures not reported. In the case of a political committee, the civil penalty may be assessed against the political committee's chairperson, its treasurer, or both. All civil penalties paid under this subsection shall be deposited in the election campaign account established under Tucson Charter Chapter XVI, Subchapter B, Section 6.
- (h) Determining whether expenditure is for communication that expressly advocates the election or defeat of a clearly identified candidate. In determining whether an expenditure should have been reported pursuant to subsections (b) and (c), the Campaign Finance Administrator shall consider whether the expenditure was for a communication that expressly advocates the election or defeat of a clearly identified candidate and was not made with prior consent, cooperation, or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. In determining that a communication expressly advocates the election or defeat of a candidate, rather than a communication that advocates in favor of or against an issue, the Campaign Finance Administrator will consider the following three components:
1. Even if it is not presented in the clearest, most explicit language, speech is express if its message is unmistakable, unambiguous, and suggestive of only one plausible meaning.
 2. Speech may only be termed advocacy if it presents a clear plea for action, and thus speech that is merely informative is not covered by the Act.
 3. It must be clear what action is advocated. Speech cannot be considered express advocacy of the election or defeat of a clearly identified candidate when reasonable

minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action. If any reasonable alternative reading of speech can be suggested, it cannot be express advocacy subject to this section's disclosure requirements.

- (i) Modification of reportable amounts. Every two years, the Campaign Finance Administrator shall adjust the dollar amounts specified in subsections(b) and(c) by the percentage change in the consumer price index and publish the new amounts for distribution to election officials, candidates and campaign committees.
- (j) Severability. If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.
- (k) Definitions. As used in this section:
 - "Business day" means any day that is not a Saturday, Sunday, or Holiday.
 - "Consumer price index" means the consumer price index for all urban consumers, United States city average, that is published by the United States Department of Labor, Bureau of Labor Statistics.
 - "Person" includes a corporation, company, partnership, political committee as defined in A.R.S. section 16-901, firm, association or society, as well as a natural person.

Filing Deadlines for 2009 Elections

MONTHLY

January 1st until 9 calendar weeks prior to the Primary Election, reports must be filed the first business day of each month.

January 2
February 2
March 2
April 1
May 1
June 1
July 1

WEEKLY

Beginning 9 calendar weeks prior to each Election reports must be filed any Tuesday by which the person or committee has reached the original \$525 amount or the supplemental \$1,050 amount.*

PRIMARY

June 30
July 7
July 14
July 21
July 28
August 4
August 11
August 18

GENERAL

September 8
September 15
September 22
September 29
October 6
October 13
October 20

DAILY

Beginning the last 14 calendar days before each Election, reports must be filed within 1 day of reaching the original \$525 amount or the \$1,050 supplemental amount. *

PRIMARY

August 18 – September 1

GENERAL

October 20 – November 3

* Expenditure amounts updated on 11/17/2008 per Tucson Code §12-110 (i).

QUESTIONS?

Contact the City Clerk's Office

791-4213

cityclerk@tucsonaz.gov

IDENTIFICATION OF CAMPAIGN LITERATURE AND ADVERTISEMENTS

GENERAL DISCLOSURE REQUIREMENTS

- 1) "Literature or advertisement" is defined as information or materials that are mailed, distributed or placed in some medium of communication for the purpose of influencing the outcome of an election.
- 2) Except as specified in Paragraph 5 below, a political committee that makes an expenditure for campaign literature or advertisements that expressly advocate the election or defeat of any candidate, or that makes any solicitation of contributions to any political committee, shall at the time of distribution, placement or solicitation, be registered with the City Clerk. The literature or advertisement must include the disclosures required by statute.
- 3) The disclosures must be printed clearly and legibly in a conspicuous manner or, if the advertisement is broadcast on a telecommunications system, the disclosures must be spoken.
- 4) If an acronym is used to name any political committee whose disclosure is required, the name of any sponsoring organization of the political committee must also be printed or spoken.
- 5) No disclosure requirements apply in the case of:
 - Bumper stickers, pins, buttons, pens and similar small items on which the disclosure cannot be conveniently printed;
 - Signs paid for by a candidate with campaign monies or by a candidate's campaign committee; or
 - A solicitation of contributions by a separate segregated fund from those persons it may solicit pursuant to A.R.S. §16-920 and §16-921.

DISCLOSURE BY CANDIDATE CAMPAIGN COMMITTEES

If authorized or paid for by a candidate, a candidate's campaign committee or an agent of either, the literature or advertisement must clearly state the words "paid for by" followed by the name of the committee that appears on the statement of organization.

DISCLOSURES BY POLITICAL COMMITTEES OTHER THAN CANDIDATE CAMPAIGN COMMITTEES

- A political committee that makes an expenditure in connection with any literature or advertisement to support or oppose a ballot proposition must disclose in the literature or advertisement the four largest of its major funding sources as of the time the literature or advertisement is printed, recorded or otherwise produced for dissemination.
- If a political committee has fewer than four major funding sources, the committee must disclose all major funding sources.
- A major funding source of a political committee is any contributor that is not an individual person and that has made cumulative contributions of ten thousand dollars (\$10,000) or more for an expenditure in support of or opposition to a ballot proposition of a political subdivision with a population of one hundred thousand persons or more.
- If an out-of-state contributor or group of out-of-state contributors is a major funding source to a political committee the political committee must state the contributor is an out-of-state contributor on its literature or advertisement in support of or in opposition to a ballot proposition.
- Contributors that make contributions to more than one political committee that supports or opposes the same ballot proposition shall notify each political committee of the cumulative total of these contributions. Cumulative totals must be disclosed by each political committee that received contributions from the same contributor if the cumulative totals qualify as a major funding source.
- Any disclosure statement required must be printed clearly and legibly in a conspicuous manner in type at least as large as the majority of the printed text. If the communication is broadcast on radio, the information shall be spoken at the end of the communication.
- If the communication is broadcast on a telecommunications system, the information shall be both written and spoken at the end of the communication, except that if the disclosure statement is written for at least five seconds of a thirty second advertisement broadcast or ten seconds of a sixty second advertisement broadcast, a spoken disclosure statement is not required.
- If the communication is broadcast on a telecommunications system, the written disclosure statement shall be printed in letters equal to or larger than four per cent of the vertical picture height.
- No disclosure requirements apply in the case of bumper stickers, pins, buttons, pens and similar small items on which the disclosure cannot be conveniently printed or to a communication by an organization solely to its members.

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- A committee shall change future literature and advertisements to reflect any change in funding sources that must be disclosed.
 - This section only applies to advertisements the contents of which are more than fifty per cent devoted to one or more ballot propositions or proposed measures on the same subject.
 - For purposes of this section "advertisement" means general public advertising through the print and electronic media, signs, billboards and direct mail.

DISCLOSURES REQUIRED WITHIN TEN DAYS BEFORE AN ELECTION

- In addition to all other disclosure requirements, a political committee that makes independent expenditures for literature or advertisement relating to any one candidate or office within ten days before the day of any election to which the expenditures relate (August 22, 2009 for the Primary Election; October 24, 2009, for the General Election) must send by certified mail a copy of the campaign literature or advertisement to each candidate named or otherwise referred to in the literature or advertisement twenty-four hours after depositing it at the post office for mailing, twenty-four hours after submitting it to a telecommunications system for broadcast or twenty-four hours after submitting it to a newspaper for printing.
- The copy of the literature or advertisement sent to a candidate must be a reproduction that is clearly readable, viewable or audible.
- An expenditure by a political committee or a person that does not meet the definition of an independent expenditure is an in-kind contribution to the candidate and a corresponding expenditure by the candidate unless otherwise exempted.
- A person who violates this requirement is subject to a penalty of three times the cost of the literature or advertisement that was distributed in violation.

PRACTICAL TIPS

for FILING CAMPAIGN FINANCE REPORTS

- ✓ The City Clerk can not accept electronic filings.
- ✓ Contact the City Clerk before submitting a report to discuss any questions.
- ✓ When filing campaign finance reports, plan on spending fifteen to twenty minutes with City Clerk staff reviewing the report.
- ✓ If you plan to use a campaign finance report form other than one issued by either the Secretary of State or the City of Tucson, the City Clerk must approve it prior to use.
- ✓ Make sure that signatures of the treasurer, or in the absence of the treasurer, the candidate of the political committee are included.
- ✓ A “Political Committee No Activity Statement” must be filed when there are no contributions or expenditures during a required reporting period.
- ✓ Reports must be filed until a Termination Statement is filed with the City Clerk.
- ✓ Make sure reports are filed on time. There are no provisions for exceptions or time extensions and state law requires that penalties be assessed for late filings.
- ✓ Under state law, the committee treasurer must retain a copy of the reports for a period of three (3) years after the date of filing.
- ✓ Reports are filed in the public record’s section of the City Clerk’s office. Copies are available for twenty-five cents per image.
- ✓ Reports may be viewed on the City Clerk’s website www.tucsonaz.gov/clerks.

CAMPAIGN FINANCE REPORTING SCHEDULE

For Candidates who are NOT Participating in Public Matching Funds Program

(Candidates who sign City of Tucson Campaign Finance Contracts, must file state and city reports according to the schedule outlined on page 48-49 instead of the schedule below.)

ALL candidates and political committees must file Campaign Finance Reports with the City Clerk as required by state law. The only exceptions are for those candidates who filed a \$500 Threshold Exemption Statement and for standing political committees, who must file campaign finance reports with the Secretary of State. Reports must be filed pursuant to the schedule outlined below until the political committee has filed a termination statement. The committee treasurer or the candidate must sign reports (if the treasurer is unavailable) and provide certification of the signer under penalty of perjury that the report is true and complete. *There are penalties for filing incomplete or late campaign finance reports.*

Campaign finance reports must be received by the City Clerk by 5 p.m. on the following dates:

<u>REPORTING PERIOD</u>	<u>FILING DEADLINE</u>
January 31 Report	
For Period of November 27, 2007 through December 31, 2008	*February 2, 2009
June 30 Report	
For Period of January 1, 2009 through May 31, 2009	June 30, 2009
Pre-Primary Election Report	
For Period of June 1, 2009 through August 12, 2009	August 20, 2009
Post-Primary Election Report	
For Period of August 13, 2009 through September 21, 2009	October 1, 2009
Pre-General Election Report	
For Period of September 22, 2009 through October 14, 2009	October 22, 2009
Post-General Election Report	
For Period of October 15, 2009 through November 23, 2009	December 3, 2009
January 31 Report	
For Period of November 24, 2009 through December 31, 2010	January 31, 2011

*ARS 16-916 (D) provides that if the date for filing any statement is a Saturday, a Sunday, or another legal holiday, the filing deadline is the next day that is not a Saturday, a Sunday or another legal holiday.

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- If a political committee receives no contributions and makes no expenditures during a required reporting period, the committee must file a Political Committee No Activity Statement instead of a report.
 - If a candidate's campaign committee remains active after the election due to outstanding debts, the committee may file a Political Committee No Activity Statement no later than January 31, 2010 stating that the committee does not intend to receive any contributions or make any expenditures during the year. If the committee does receive a contribution or make an expenditure during that year, the committee must file reports as required above.
 - A.R.S. § 16-918 specifies significant penalties for failure to file the State Campaign Finance Reports and/or false reporting.
 - There is a late penalty of ten dollars (\$10) for each day the report is late up to a maximum of four hundred and fifty dollars (\$450). By law, the City Clerk cannot accept a late report unless any penalties owed are paid when the report is filed.
 - If the report is not received by the City Clerk within fifteen (15) days after receiving a notice of delinquency, the committee, candidate or designating individual is liable for a penalty of twenty-five (\$25) for each additional day that the filing is late.
 - There is a failure to make and file a report by the treasurer, the chairperson, the designating individual, or the candidate if any of the following occur:
 - the report is not filed in a timely manner; *or*
 - the report is not properly signed; *or*
 - a good faith effort is not made to substantially complete the report.
 - If a political committee fails to file three consecutive Campaign Finance Reports, the City Clerk shall send the committee chairman and treasurer a written Notice of Intent to Suspend the Political Committee.
 - The Notice of Intent to Suspend the Political Committee shall state that failure of the political committee to fully comply with all filing requirements for that committee, including any required payments, within thirty days of the date of the notice, shall result in suspension of the political committee's authority to operate in the City of Tucson.
 - a. The City Clerk is no longer required to provide any further Notice of Delinquency to the political committee.
 - b. This does not reduce or eliminate the political committee's continuing obligation to make campaign finance filings and pay any fines, penalties, civil penalties or other sanctions that may continue to accrue as otherwise provided by law.

LIST OF STATE CAMPAIGN FINANCE FORMS

\$500 THRESHOLD EXEMPTION STATEMENT

A.R.S. § 16-903

Each political committee that intends to accept contributions or make expenditures of \$500 or less must file a \$500 Threshold Exemption Statement with the City Clerk before accepting any contributions, making expenditures, distributing any campaign literature or circulating petitions. If the candidate receives contributions of more than \$500 or makes more than \$500 in expenditures, the candidate must designate in writing a candidate's political committee pursuant to A.R.S. § 16-903.

NO ACTIVITY STATEMENT

A.R.S. § 16-913(D)

In the event a political committee receives no contributions and makes no expenditures during a reporting period, the committee treasurer or candidate may, instead of filing a report, sign and file the applicable form.

STATE CAMPAIGN FINANCE REPORTS

A.R.S. § 16-913; Tucson Code, Ch. 12

All candidates must file the campaign finance reports required by the State of Arizona with the City Clerk. Candidates who participate in the City of Tucson's public matching funds program must also file the campaign finance reports required by the Campaign Finance Administrator.

STATEMENT OF ORGANIZATION

A.R.S. § 16-902.01

Each political committee that intends to accept contributions or make expenditures of more than \$500 must file a Statement of Organization with the City Clerk before accepting any contributions, making expenditures, distributing any campaign literature or circulating petitions. The Statement of Organization filed by a standing political committee must also include a statement with the notarized signature of the chairman or treasurer that declares the committee's status as a standing political committee.

TERMINATION STATEMENT

A.R.S. § 16-914

A political committee may terminate only when the chairperson and treasurer file a Termination Statement with the City Clerk. The committee must certify under penalty of perjury that it will no longer receive any contributions or make any disbursements, that the committee has no outstanding debts or obligations, and that any surplus monies have been disposed of pursuant to A.R.S. § 16-915.01. The committee must also file a written statement of the manner of disposition of the surplus, the name and address of each recipient of surplus monies, and date and amount of each disposition of surplus monies.

After the filing of the above reports, no subsequent reports are necessary, and no further receipts or disbursements may occur without filing a new Statement of Organization.

NOTES

***CITY OF TUCSON
CAMPAIGN FINANCING LAWS***

CITY OF TUCSON

PUBLIC MATCHING FUNDS PROGRAM

STEP 1

INDIVIDUAL BECOMES A CANDIDATE

WHEN THE FIRST OF ANY OF THE FOLLOWING EVENTS OCCUR:

- Individual receives a contribution or makes an expenditure for a specified election with the exception of contributions received or expenditures made by an exploratory committee formed for the purpose of determining whether an individual will become a candidate; *or*
- Individual publicly or formally declares candidacy; *or*
- Individual files nomination papers.

STEP 2

SIGN CAMPAIGN CONTRACT WITHIN THIRTY (30) DAYS

- Individual must sign campaign contract within thirty (30) days after becoming a candidate, or at the time of filing nomination petitions (whichever is earlier.)

STEP 3

ESTABLISH ELIGIBILITY

No Later Than Fourteen (14) Days Before End of the Campaign Period Rules & Regs, Part 3, Sec. III, E.2.a.

Candidate files report to establish eligibility to receive public funding. Mayoral candidates must receive three hundred (300) contributions of ten dollars (\$10) or more and Council candidates must receive two hundred (200) contributions of ten dollars (\$10) or more, from City of Tucson residents.

The last date to submit statement to establish eligibility:

- **August 24 – for the Primary Election**
- **October 26 – for the General Election**

STEP 4

AUDIT FOR COMPLIANCE AND ELIGIBILITY

Allow Approximately Fourteen (14) Days

- Within approximately fourteen (14) days of filing report to establish eligibility, an independent auditor will audit the candidate's campaign records and issue an opinion to the Campaign Finance Administrator stating whether the candidate is in compliance with provisions.
- Campaign Finance Administrator will notify candidate when eligibility is verified and candidate may receive public funds.

STEP 5

REQUEST PUBLIC FUNDS

- Candidates may request funds as frequently as once each calendar week.
- **September 11:** Last day to request funds for Primary Election (for contributions received through September 7).
- **November 13:** Last day to request funds for General Election (for contributions received through November 9).



STEP 6

PRIMARY ELECTION - PRE AND POST primary campaign finance reports must be filed with the Campaign Finance Administrator by candidates participating in Primary Election.

- **August 20:** Pre-election reports must be filed by 5 p.m.
- **September 11 and October 1:** Post-election reports must be filed by 5 p.m.



STEP 7

GENERAL ELECTION - PRE AND POST general campaign finance reports must be filed with the Campaign Finance Administrator by candidates participating in General Election.

- **October 22:** Pre-Election reports must be filed by 5 p.m.
- **November 13 and December 3:** Post-Election reports must be filed by 5 p.m.
- **Other reports may be required.** Check with the Campaign Finance Administrator.



STEP 8

December 1 – All unexpended campaign contributions must be disbursed

- After all unexpended contributions are disbursed, a campaign committee must file a Termination Report dissolving the committee.



STEP 9

FINANCIAL RECORDS - KEEP THREE (3) YEARS

All financial records must be retained by the candidate for three (3) years after the end of the campaign period.

- For those candidates participating only in the Primary Election, the campaign period ends on September 7. Keep records at least until September 6, 2012.
- For candidates participating in the General Election the campaign period ends on November 9. Keep records at least until November 8, 2012.

CAMPAIGN CONTRACT

To participate in the program, a candidate for the Office of Mayor or Council Member signs a contract with the City of Tucson agreeing to abide by limitations on campaign expenditures. These limitations are set forth in the Tucson City Charter, Campaign Finance Administration Rules and Regulations, and in other applicable laws.

The campaign contract must be signed by the candidate either within thirty (30) days after the individual has become a candidate or at the time of filing for office, whichever is earlier. If the contract is not signed within this time frame, the candidate will not be eligible to participate in the program. A candidate who signs a contract must comply with all contribution and expenditure limitations, even if the candidate never qualifies to receive public funds.

The contract remains in effect for the entire campaign period. Rules and regulations, and campaign contracts are available from the City Clerk, who is the Campaign Finance Administrator.

“Campaign” or **“Campaign Period:”** includes the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate. (The campaign period ends on the date the Mayor and Council canvass and declare the results of the election at which the candidate is elected or defeated. *Primary Election canvass: September 7; General Election canvass: November 9.*)

“Candidate:” An individual is considered to be a candidate at such time as the first of any of the following events occur:

- 1) The individual receives a contribution or makes an expenditure for a specified election*; or
- 2) The individual files nomination papers for a specified election; or
- 3) The individual publicly or formally declares candidacy for a specified election.

*With the exception of contributions received or expenditures made by an exploratory committee formed for the purpose of determining whether an individual will become a candidate.

“Voiding a Campaign Contract:” A candidate may void the campaign contract no later than fifteen (15) days after the deadline for filing nomination papers if an opponent of that candidate does not enter into a campaign contract before that time **and** if the candidate returns all public funds received to the Campaign Finance Administrator within ten (10) days after voiding the contract. (The term **“opponent”** includes all candidates seeking the same elected office regardless of whether they are participating in another party's nomination process during the Primary Election). A candidate who has signed a campaign contract and later withdraws from candidacy may void the contract provided that the candidate has returned all public funds received to the Campaign Finance Administrator for deposit into the election campaign account. A candidate may not withdraw from a contract after the Primary Election even if the candidate's opposition is not participating in the public matching funds program.

ESTABLISHING ELIGIBILITY TO RECEIVE FUNDS

Required Contributions

To qualify to receive public funds, a candidate for the Office of Mayor must receive three hundred (300) contributions of ten dollars (\$10) or more, and a candidate for the Office of Council Member must receive two hundred (200) contributions of ten dollars (\$10) or more from individual residents of the City of Tucson.

- Neither loans nor the transfer of anything of value other than money are included for the purpose of determining eligibility to receive public funds.
- A candidate can receive contributions from any person or group eligible to contribute; however, only those contributions received from individuals who are residents of the City of Tucson will be counted for the purpose of determining eligibility.
- Once eligibility is established, contributions from individuals regardless of whether they reside in the City may be matched up to the established limit.

Contributions and Loans by Candidate

A candidate can make a contribution to their own campaign to assist in establishing eligibility. The contribution will count as one of the required contributions of ten dollars (\$10) or more.

However, contributions from the candidate will not be matched by public funds. A candidate may contribute up to three percent (3%) of the expenditure limit to their own campaign.

A candidate may make a loan to their own political committee. However, the loan together with any contributions from the candidate can not exceed in the aggregate three percent (3%) of the expenditure limitation for the campaign period. A candidate loan is a ***contribution*** to the committee to the extent it remains unpaid. It is reported on **Schedule C** of the campaign finance report for that period. A candidate loan becomes an ***expenditure*** of the committee upon repayment and must be reported on **Schedule D-4** of the campaign finance report for that period.

Expenditure Limitations

During the campaign period, a candidate for the Office of Mayor cannot make expenditures exceeding the total amount of forty cents (\$0.40) per City of Tucson registered voter, or a candidate for the Office of Council Member cannot make expenditures exceeding the total of twenty cents (\$0.20) per City of Tucson registered voter. The amount per City registered voter may be adjusted upward or downward depending upon the percentage change in the Consumer Price Index as reported by the U.S. Department of Commerce or its successor agency. Expenditure limitations are based upon the number of registered voters in the City as of June 30 of the election year. A candidate cannot spend more than seventy-five percent (75%) of the expenditure limitation through the day of the Primary Election. Independent expenditures are not included in the computation of a candidate's expenditures.

Any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by a person for the purpose of influencing an election in the State of Arizona is considered an expenditure. This also includes a contract, promise or agreement to make an expenditure resulting in an extension of credit. [See A.R.S. § 16-901(8) for complete definition]. *NOTE: Expenditure counts when debt is incurred, not when debt is paid.*

The following preliminary expenditure limitations are based upon City voter registration as of June 30, 2008, and are adjusted according to the Consumer Price Index. Final figures will be available in July 2009. It is important for candidates to realize the final expenditure limitations may be less than the preliminary number.

PRELIMINARY EXPENDITURE AMOUNTS	Council Member
Amount candidate may spend through the end of the campaign period for the General Election.	\$101,461.00
Amount candidate may spend through the day of the Primary Election (September 1).	\$76,095.75
Amount candidate may receive in public matching funds.	\$50,730.50
Amount of public funds that may be released prior to calculation of final expenditure limits	\$38,047.87
Amount candidate may contribute to own campaign.	\$3,043.83
Adjusted expenditure amount per registered voter.	\$.3856

Verification of Eligibility

Candidates must submit evidence to demonstrate that they meet the eligibility requirements before receiving funds. The evidence presented must contain enough detail to allow verification of whether funds were actually received and expended.

A candidate must submit a Statement to Establish Eligibility no later than fourteen (14) days prior to the end of the campaign period. August 24 is the last day to file the Statement to Establish Eligibility for candidates participating in the Primary Election, and October 26 is the last day to file for candidates participating in the General Election.

An audit by an independent auditor of the candidate's records will be done at the time the Statement to Establish Eligibility is filed to verify eligibility and to make sure that the candidate is maintaining records in an acceptable manner and is in compliance with state and local laws. Refer to the Campaign Finance Reporting Manual for guidance on how to keep your records.

REQUESTING AND RECEIVING FUNDS

- Once eligibility is established, the candidate is entitled to receive one dollar (\$1) for each dollar received during the campaign period from any individual, regardless of whether or not the individual resides in the City of Tucson – up to a limit of one half (1/2) of the total allowable expenditure limitation as defined in Chapter XVI, Subchapter B, Section 3 of the Tucson City Charter.
- Contributions from the candidate, political committees, partnerships, or other groups eligible to make contributions **will not** be matched by public funds.
- A candidate may request funds as early as January 1 of the year the election is held. However, until the final expenditure limitation is determined, the City will release funds up to seventy-five percent (75%) of the maximum amount that the candidate may spend through the day of the Primary Election (as determined by the preliminary expenditure limitation.)
- A candidate may submit requests for funds beginning with the Statement to Establish Eligibility and no more than once every calendar week thereafter. Requests for funds may be included with other reports or made separately. If made separately from a campaign finance report, requests for funds must be filed together with a report of the contributions to be matched (Schedule A).
- Once eligibility is established, funds will be available approximately two (2) working days after a request has been received by the Campaign Finance Administrator.
- The request for funds must include the names of any individuals authorized to receive public matching funds for the candidate.
- Last day to request funds for the Primary Election is September 11 (for contributions received through September 7).
- Last day to request funds for the General Election is November 13 (for contributions received through November 9).

AUDIT REQUIREMENTS

A candidate who has signed a campaign contract must maintain financial records that are current and conform to generally accepted accounting principles. Records must be detailed enough to show what contributions were received and funds expended. All transactions must be supported by original, independent documentation.

The candidate is responsible for maintaining itemized records (by individual contributor and expenditure) and documentation (such as copies of receipts and checks) for all contributions received, including those not eligible for receipt of public matching funds, and all expenditures made. Contributions must be posted on the date of receipt – not the date of the bank deposit. All of the candidate's financial records including supporting documentation must be made available for audit upon one (1) day's notice.

The City's independent auditor performs audits to determine compliance with the contribution and expenditure limits as well as eligibility for public funds. During an audit, a candidate is required to produce copies of all checks, bills, or other documentation to verify contributions, expenditures, or other transactions reported on the disclosure statements. Notice will be given to the candidate as well as to the campaign committee chairperson and treasurer when an audit is to be performed. Compliance with the request for records will be required within one (1) day of receipt of the notice.

An audit of the candidate's records will be done at the time the Statement to Establish Eligibility is filed to verify eligibility and to make sure that the candidate is maintaining records in an acceptable manner and is in compliance with state and local laws. This first audit will take approximately fourteen (14) days if the candidate's records are in proper form. A second audit will be completed following the election at which the candidate is elected or defeated. In addition, special audits of the candidate's financial records may be performed at any time. Audits are done at a location determined by the Campaign Finance Administrator.

It is the responsibility of the treasurer and candidate to address issues with the City Clerk and the independent auditor as quickly as possible. Excessive delays may delay the certification of the candidate to receive public matching funds.

- A candidate who signs a campaign contract is subject to all contribution and expenditure limitations, even if the candidate never qualifies to receive public funds.
- A candidate cannot use contributions or public matching funds for purposes such as providing a candidate's personal support or for donation to another candidate's campaign.

-
- Public matching funds only can be spent on expenses directly related to a candidate's campaign. For example, purchasing campaign literature, signs, media space or time, mailings, office supplies, telephones, renting campaign headquarters and paying for the utility costs of the campaign headquarters.
 - The Campaign Finance Administrator will determine permissibility of expenditures.
 - Candidates must promptly resolve any outstanding issues, including discrepancies in campaign finance reports and supporting records. Failure to do so may result in a delay in the candidate's qualification to receive public matching funds.

CLOSING OUT THE BOOKS

A candidate who received public matching funds and later does not file for public office or withdraws as a candidate after filing must, no later than ten (10) days following such event, return to the Campaign Finance Administrator for deposit into the election campaign account an amount equal to the public funds disbursed to that candidate.

If following the primary or general election in which the candidate is elected or defeated, the candidate has unexpended campaign contributions, any surplus must be returned to the election campaign account until the full amount of public matching funds disbursed has been returned. Any remaining unexpended campaign contributions shall be disposed of pursuant to A.R.S. § 16-915.01. (See Disposition of Surplus Funds in Chapter 2, State Campaign Finance Laws, of this pamphlet.) [All unexpended campaign contributions must be disbursed no later than the first Monday in December (December 7) following the election. Charter, Ch XVI, Subch. B, Sec. 5 (b)].

- If a candidate participating in the City of Tucson Public Matching Funds Program has unexpended campaign contributions, any surplus must be returned to the City Election Campaign Account up to the amount received from the City.
- Any funds remaining after reimbursement to the Election Campaign Account may be expended in the manner described on pages 26-28. The use of funds is governed primarily by A.R.S. § 16-915.01. (See Disposition of Surplus Funds in Chapter 2 of this pamphlet.)
- A candidate who receives public matching funds and later withdraws as a candidate must return all public funds received.
- Goods with a value over two hundred dollars (\$200), any part of which have been purchased with public funds and have a useful value extending beyond the end of the campaign period, will revert to the City.
- All financial records must be kept for three (3) years following the last day of the campaign period.

RECORD KEEPING AND CAMPAIGN FINANCE REPORTING SOFTWARE

The City Clerk will provide software – free of charge – to all candidates who have signed a campaign contract. This software will assist candidates and their committees in maintaining campaign records as well as completing the required reports outlined in this pamphlet.

RESPONSIBILITY OF THE CANDIDATE

Candidates are responsible for keeping track of contributions and expenditures. The Tucson City Charter specifies that contributions include monies, loans, debts incurred, property in-kind, or things having a monetary value incurred or received by a candidate or his agent or other person on behalf of the candidate for use in advocating or influencing an election. A.R.S. § 16-901(5) lists specific items included and exempted from the definition of contribution.

- Public matching funds can only be spent for the receiving candidate's direct campaign purposes. Examples include purchasing campaign literature, signs, media space or time, mailings, office supplies, telephones, renting campaign headquarters, and paying for utility costs accumulated by the campaign headquarters.
- A candidate cannot use contributions or public matching funds for purposes such as providing a candidate's personal support, or for donation to another's campaign.
- Permissibility of expenditures will be determined by the Campaign Finance Administrator.
- A candidate who signs a campaign contract is subject to all contribution and expenditure limitations even if the candidate never qualifies to receive public funds.

RECORDS

Candidates are required by law to keep records of campaign contributions and expenditures. Records must support the information included in the disclosure statements filed with the City Clerk's Office. The records must be kept for three (3) years after the end of the campaign period.

The candidate or candidate's campaign committee must keep track of all funds coming into the campaign (receipts) and all funds flowing out (disbursements). You do this by setting up a system that will record, summarize, and communicate information in an orderly and efficient manner.

Properly document contracts or agreements with paid campaign staff.

A sample record keeping system is presented in the Campaign Finance Reporting Manual. (The suggested record keeping system assumes you are keeping records manually but can be easily adapted for use with a computer.) Most of the records require a basic accounting record, such as bank information, which you would maintain even if you did not participate in the matching funds program.

CAMPAIGN FINANCE REPORTING SCHEDULE

For Candidates Participating in Public Matching Funds Program

A candidate participating in the public matching funds program is required to report all campaign contributions and expenditures in the manner specified by the Campaign Finance Administrator. *Any deviation from the reporting format will not be accepted unless prior approval is received from the Campaign Finance Administrator.*

- The candidate, treasurer and chairperson as well as the person who prepared the reports must sign all reports.
- All signatures must be properly notarized.
- The City Clerk must receive reports no later than 5 p.m. on the dates specified.
- Late campaign reports will be charged a penalty, which must be paid upon filing.

Campaign finance reports must be received by the City Clerk by 5 p.m. on the following dates:

REPORTING PERIOD

FILING DEADLINE

Consolidated City/State January 31 Report

For Period of November 7, 2007 through December 31, 2008

***February 2, 2009**

Consolidated City/State June 30 Report

For Period of January 1, 2009 through May 31, 2009

June 30, 2009

Consolidated City/State Pre-Primary Election Report

For Period of June 1, 2009 through August 12, 2009

August 20, 2009

Statement to Establish Eligibility

After eligibility has been verified, a candidate may file a Request for Public Matching Funds as needed but no more than once a week.

August 24, 2009

Last Date to Request Funds for Primary Election

September 11, 2009

City Post-Primary Election Report

For Period of August 13, 2009 through September 8, 2009

September 11, 2009

REPORTING PERIOD *(continued)***FILING DEADLINE****State Post-Primary Election Report**

For Period of September 9, 2009 through September 21, 2009

October 1, 2009**Consolidated City/State Pre-General Election Report**

For period of September 22, 2009 through October 14, 2009

October 22, 2009**Statement to Establish Eligibility**

(if not filed for the Primary Election)

October 26, 2009**Last Date to Request Funds for General Election****November 13, 2009****City Post-General Election Report**

For Period of October 15, 2009 through November 9, 2009

November 13, 2009**State Post-General Election Report**

For Period of November 10, 2009 through November 23, 2009

December 3, 2009**Other Reports****January 31 Report**

For period of November 24, 2009 through December 31, 2010

January 31, 2011

Additionally, candidates may be required to file other reports when required to do so by the Campaign Finance Administrator.

*ARS 16-916 (D) provides that if the date for filing any statement is a Saturday, a Sunday, or another legal holiday, the filing deadline is the next day that is not a Saturday, a Sunday or another legal holiday.

OTHER REQUIREMENTS

- A **“Political Committee No Activity Statement”** must be filed if the candidate's campaign committee does not receive any contributions or make any expenditures during a required reporting period.
- Candidates who sign Campaign Finance contracts must promptly resolve any outstanding issues, including discrepancies in campaign finance reports and supporting records.
- Candidates who sign Campaign Finance contracts will be required to file a Termination Statement following the election and after the post-election audit has been certified.

LIST OF CITY CAMPAIGN FINANCE FORMS

AFFIDAVIT OF BEST EFFORT A.R.S §§ 16-901(12)(13); CFA Rules & Regs. Part 3 (III E)

Candidates who sign a Campaign Finance Contract must file an Affidavit of Best Effort, with documentation attached that verifies their attempts to obtain the required information for any incomplete contribution. The affidavit must be filed at the time of filing the appropriate campaign finance report. Individual contributions require name, mailing address, occupation and employer. Political committee contributions require full name of committee and identification number issued by the City Clerk.

AFFIDAVIT OF QUALIFICATION A.R.S §§ 16-311, 16-905(K)(5)

Candidates who sign a Campaign Finance Contract must sign an Affidavit of Qualification attesting to the fact that they have fulfilled the constitutional and statutory requirements for holding the office for which candidacy has been declared. This includes, but is not limited to, residing within the corporate limits of the City of Tucson, for three (3) years immediately prior to running for office and within the Ward for one (1) year immediately prior to running for office.

CAMPAIGN FINANCE CONTRACT Tucson Charter, Ch.XVI, Subch. B; CFA Rules and Regs. Part 3(I)

In order to receive funds from the City, a candidate must sign a Campaign Finance Contract within thirty (30) days after becoming a candidate for office or at the time of filing for office, whichever is earlier.

CITY CAMPAIGN FINANCE REPORTS CFA Rules & Regs. Part 3(III)

All candidates must file the campaign finance reports required by the State of Arizona with the City Clerk. Candidates who sign a campaign contract must also file the campaign finance reports required by the Campaign Finance Administrator.

REQUEST FOR PUBLIC MATCHING FUNDS Tucson Charter Ch. XVI Subchap. B; CFA Rules & Regs. Part 3(III)

Once a candidate's eligibility for public matching funds is established, a candidate may request funds beginning January 1, 2009, and ending on the Friday immediately following the end of the campaign period. Funds may be requested once during each calendar week.

STATEMENT TO ESTABLISH ELIGIBILITY Tucson Charter Ch. XVI, Subch. B; CFA Rules & Regs. Part 3(II)

Candidates who sign a Campaign Finance Contract and are seeking public matching funds must file a Statement to Establish Eligibility no later than fourteen (14) days prior to the end of the campaign period. The campaign period for an election ends when the Mayor and Council canvass the returns and declare the results of the election at which a candidate was elected or defeated.

PENALTIES

CAMPAIGN FINANCE REPORTING – Failure To File/Late Filings

- A.R.S. § 16-918 specifies significant penalties for failure to file the Campaign Finance Reports and/or false reporting.
- There is a late penalty of ten dollars (\$10) for each day the report is late up to a maximum of four hundred and fifty dollars (\$450). By law, the City Clerk cannot accept a late report unless any penalties owed are paid when the report is filed.
- If the report is not received by the City Clerk within fifteen (15) days after receiving a notice of delinquency, the committee, candidate or designating individual is liable for a penalty of twenty-five (\$25) for each additional day that the filing is late.
- There is a failure to make and file a report by the treasurer, the chairperson, the designating individual, or the candidate if any of the following occur:
 - the report is not filed in a timely manner; *or*
 - the report is not properly signed; *or*
 - a good faith effort is not made to substantially complete the report.

CANDIDATES WHO SIGN CAMPAIGN CONTRACTS – Compliance

- A candidate or person who knowingly or intentionally refuses or fails to comply with provisions of the Charter is guilty of a misdemeanor. If the violation is by a candidate, the candidate's name will not be printed on the ballot. If the ballot is printed before conviction, the candidate will be denied the right to hold office if elected.
- In addition to other penalties provided for by law, a candidate who fails to comply with the provisions of the Charter or the conditions of a properly signed Campaign Contract will be ineligible to receive further public matching funds until the candidate is in compliance [TC Chap XVI, Subchap B(9)(b)].
- Any candidate who signs a Campaign Contract and then exceeds the expenditure limitation must immediately return to the Election Campaign Account three dollars (\$3) for each dollar overspent.
- Complaints regarding violations of the Charter or Campaign Contract should be made to the Tucson Police Department. Complaints will be processed in the same manner as other misdemeanor violations.

VIOLATIONS OF CONTRIBUTION LIMITATIONS

- An individual who violates the campaign contribution limitations faces significant civil penalties. A person who violates the campaign contribution limitations of A.R.S. §16-905 may have to pay a civil penalty of three times the amount of money, or the value in money for an equivalent of money or other things of value, that has been illegally received, expended or promised.
- Any qualified elector may file a sworn complaint with the attorney general or county attorney. If no action is instituted within forty-five (45) working days of the receipt of the complaint, the person complaining may bring a civil action in their own name and at their own expense.

DECEPTIVE MAILINGS

An individual or committee is prohibited from attempting to influence the outcome of an election by delivering or mailing any document that:

- Purports to be authorized, approved, required, sent or reviewed by the state government, a county, city, or town, or any other political subdivision, or
- Falsely simulates a document from any of these governmental entities.
- The penalty for deceptive mailings (civil penalty) is equal to twice the total cost of the mailing, or five hundred dollars (\$500), whichever amount is greater.

DISCLOSURE REQUIREMENT VIOLATIONS

- A person who violates any of the disclosure requirements of the Arizona Revised Statutes is subject to a civil penalty of three (3) times the cost of producing and distributing the literature or advertisement.

PETITION FORGERY

- All petitions that have been submitted by a candidate that is found guilty of petition forgery must be disqualified, and the candidate is not eligible to seek election to a public office for at least five (5) years.

POLITICAL ELECTION SIGN VIOLATIONS

Penalties for violating political election sign provisions are set forth in **Tucson Code Chapter 3 and Chapter 16, Section 36 & 48**. Minimum penalties begin at one hundred dollars (\$100) plus cost of removal. Signs located in the public right-of-way are subject to immediate removal and penalties.

FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATIONS

You may obtain FCC-mandated regulations regarding sponsorship identification, from the City Clerk's office, free of charge.

***POLITICAL ELECTION SIGN
REGULATIONS***

POLITICAL ELECTION SIGN REGULATIONS

A political election sign is defined as "a sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body."

What to Do

- Provide the City of Tucson's Department of Community Services, Sign Code Enforcement, with the name, address and telephone number of the individual responsible for the placement and removal of the signs.
- Locate political election signs on private property only. Only the property owner – or a candidate or political committee who has received permission directly from the property owner – may erect political election signs.
- Keep in mind that individuals who post signs on their *own* property in support of, or opposition to, a candidate are not required to permit the candidate's opponents to post signs on same property. Individuals who place political election signs on their own property without input from a candidate or political committee are not required to notify Department of Neighborhood Resources.
- Obtain permission from the person with actual authority to grant it. In the case of rental property, that person may be the owner or the tenant, depending on the specific desired location of the sign and the lease.

What *Not* to Do

- Do not place political election signs in the public right-of-way or on public property. When in doubt, contact check the Tucson Department of Transportation website at: <http://tdotmaps.transview.org/mandr>.
- Do not allow election signs to obstruct the view of vehicle operators or create a traffic hazard.
- Do not post, display or otherwise attach a political election sign to or upon any street lamp post, street sign, traffic sign or signal, curb, sidewalk, hydrant, tree, shrub, fence or utility pole. This also includes any public structure (such as a bus stop) or building.
- Do not put sign stakes or rebar into the ground without first having the area "blue-staked." Contact the blue stake center at 800-782-5348 to have underground public utilities marked free-of-charge.
- Do not place political election signs in support or opposition to a candidate on property owned or under control of corporations, labor organizations or limited liability companies. A.R.S. § 16-919 prohibits corporations, labor organizations or limited liability companies from making political contributions to candidates *unless* the political action committee of a corporation, labor organization or limited liability company has authorized a particular property's use. In addition, if the "forum for speech" exception applies to the particular property, no actual contribution will be deemed to occur.

PENALTIES

Penalties for violating political election sign provisions are set forth in Tucson Code Ch. 3 and Ch. 16, §§ 36, 48. Minimum penalties begin at \$100 plus cost of removal. Signs located in the public right-of-way or on public property are subject to immediate removal and penalties.

PLACEMENT OF POLITICAL ELECTION SIGNS (*Tucson Code §3-17, §3-51, and §3-91*)

It is the responsibility of the candidate or political committee to ensure all signs are in compliance.

Private Property Approval

It is unlawful to post signs on private property without the permission of owner.

Public Property

It is unlawful to post signs in the public right-of-way or on public property.
Signs in violation are subject to immediate removal.

Maximum Area

Residential Districts: *Six (6) square feet.*

All other districts: *Fifty (50) square feet.*

Districts are determined pursuant to the Tucson Sign Code. Contact the Department of Community Services for information.

Maximum Height

All districts: *Ten (10) feet.*

Placement and Maintenance

All signs must be kept in a presentable and safe condition. This includes capping *all* rebar stakes.

Signs in violation are subject to immediate removal.

REMOVAL

All signs located within 75 feet of any polling place must be removed prior to Election Day (what about Early Voting sites?). All signs must be removed no later than 15 days after the primary election (*or by September 16, 2009*) except that winners of a primary election need not remove their signs until 15 days after the general election (*or by November 18, 2009*).

CAMPAIGN FINANCE

Reporting Obligations?

NO. When the property owner or person with control of the property opens up the property being sought, or a designated portion of that property, to all persons, including other candidates, as a forum for speech, such authorized use does not constitute a contribution.

YES. When candidates or committees obtain the authorized use of specific private property for the placement of political election signs due to a favorable location or as part of an orchestrated show of support by a specific group or association such authorized use does constitute a contribution to the candidate by the person authorizing the placement of the political election sign.

DON'T FORGET. All literature and advertisements (including political election signs) expressly advocating the election or defeat of a candidate must include “paid for by” followed by the name of the committee as it appears on the committee’s Statement of Organization or Exemption Statement filed with the City Clerk (A.R.S. § 16-912). This disclosure is not required for signs paid for by a single candidate or by the candidate's campaign committee for his or her own campaign. (A.R.S. §16-912.C.)

If the advertisement is sponsored by more than one committee, *ALL* sponsoring committee names must be included on the advertisement. The disclosure must be printed clearly and legibly in a conspicuous manner. In addition, political committees supporting or opposing ballot propositions shall disclose the four largest of its major funding sources as of the time the political election sign is printed or otherwise produced for dissemination. If a political committee has fewer than four major funding sources, the committee shall disclose all major funding sources.

POLITICAL SIGN REGULATIONS FOR HOMEOWNERS’ ASSOCIATIONS

Unless otherwise indicated in community documents, a homeowners’ association must allow the indoor or outdoor display of a political sign by an association member on that member’s property subject to the following:

- Signs cannot be displayed earlier than forty-five (45) days before election day.
- Signs must be removed no later than seven (7) days after an election day.
- An association may regulate the size and number of political signs that may be placed on a member’s property IF the association’s regulations are no more restrictive than the City of Tucson’s regulations.
- The maximum allowable area in a residential district is six (6) square feet.

WHO TO CONTACT

For Information or to File Complaints:

Sign Code Enforcement
Department of Community Services
320 N. Commerce Park Loop
Sentinel Building, 2nd Floor
(520) 791-4605

Mailing Address:

P.O. Box 27210
Tucson, AZ 85726-7210

For Information on Right-of-Way:

Department of Transportation website at
<http://tdotmaps.transview.org/mandr>

NOTES

2009 ELECTIONS CALENDAR OF EVENTS

Primary – September 1, 2009

General – November 3, 2009

JANUARY 1 <i>First date candidates who sign campaign contracts may request public matching funds.</i>	FEBRUARY 2 (5 p.m.) Last day to file a Campaign Finance Report for November 27, 2007 through December 31, 2008.	MAY 4 - JUNE 3 Candidates file nomination papers with the City Clerk: <ul style="list-style-type: none"> For the Primary Election ballot, or For Nomination Other than by Primary Election 	JUNE 30 (5 p.m.) All candidates and political committees must file a Campaign Finance Report for January 1, 2009 through May 31, 2009.
JULY 23 (5 p.m.) Last day to file as a write-in candidate for Primary Election.	AUGUST 3 Voter registration cutoff date for September Election.	AUGUST 20 (5 p.m.) All candidates and political committees must file a State Pre-Primary Election Campaign Finance Report (<i>consolidated City/State report may be filed by candidates who sign contracts</i>).	AUGUST 24 (5 p.m.) <i>Last day for candidates who sign Campaign Contracts to file a Statement to Establish Eligibility.</i>
SEPTEMBER 1 ELECTION DAY	SEPTEMBER 7 Mayor and Council canvass and declare results of the Primary Election (<i>end of Campaign Period for unsuccessful Primary Election candidates who sign Campaign Contracts</i>).	SEPTEMBER 11 (5 p.m.) <ul style="list-style-type: none"> <i>Candidates who sign Campaign Contracts must file City Post-Election Report by this date.</i> <i>Last day candidates participating only in the Primary may request funds.</i> 	SEPTEMBER 24 (5 p.m.) Last day to file as a write-in candidate for General Election
OCTOBER 1 (5 p.m.) All candidates and political committees in the Primary Election must file a State Post-Primary Election Campaign Finance Report.	OCTOBER 5 Voter registration cutoff date for November Election.	OCTOBER 22 (5 p.m.) All candidates/political committees must file a State Pre-General Election Campaign Finance Report (<i>consolidated City/State report may be filed by candidates who sign contracts</i>)	OCTOBER 26 (5 p.m.) <i>Last day to file a Statement to Establish Eligibility for candidates participating in the General Election</i>
NOVEMBER 3 ELECTION DAY	NOVEMBER 9 Mayor and Council canvass and declare the results of the General Election (<i>end of Campaign Period for all candidates who sign Campaign Contracts</i>).	NOVEMBER 13 (5 p.m.) <ul style="list-style-type: none"> <i>Candidates who sign Campaign Contracts must file a City Post-Election Report by this date.</i> <i>Last day for candidates participating in the General Election to request funds.</i> 	DECEMBER 3 (5 p.m.) All candidates in the General Election and political committees must file a State Post-General Election Campaign Finance Report by this date.
DECEMBER 7 Elected officials assume office at 10:00 a.m.			

Type printed in Italics applies only to candidates who sign a campaign contract with the City of Tucson.